

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/630,272	HORN, CHARLES E.
	Examiner Amy R Cohen	Art Unit 2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-13.
3.  The drawings filed on 30 July 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other Restriction with Allowance.

## **DETAILED ACTION**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-13, drawn to an apparatus and method to align an input shaft, classified in class 33, subclass 606.
  - II. Claims 14-18, drawn to an apparatus and method to determine the pinion angle, classified in class 33, subclass Dig. 14.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions Invention I requires the use of a laser for use in aligning and Invention II requires the use of a gauge to measure an angle.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Allan Harms on 7 June 2004 a provisional election was made without traverse to prosecute the invention of the apparatus and method to align an input shaft, claims 1-13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-18 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

6. Authorization for this examiner's amendment was given in a telephone interview with Mr. Allan Harms on 14 June 2004.

7. The application has been amended as follows in order to positively claim the differential gear and the transmission:

In the claims:

Claim 1:

- a. "detachably mountable" in line 3 has been replaced with --detachably mounted--
- b. "detachably mountable" in line 5 has been replaced with --detachably mounted--
- c. "detachably mountable" in line 10 has been replaced with --detachably mounted--
- d. "detachably mountable" in line 13 has been replaced with --detachably mounted--

Cancel withdrawn claims 14-18.

In the specification:

Page 8, line 8 "splines 42" has been replaced with --splines 44--.

### ***Allowable Subject Matter***

8. Claims 1-13 are allowed.

### ***Reasons for Allowance***

9. The following is an examiner's statement of reasons for allowance:

Claims 1-11: The prior art of record does not disclose or suggest an apparatus to align an input shaft of a differential gear of a rear wheel drive vehicle with an output shaft of a transmission thereof, comprising a first attachment detachably mounted to a one of the input shaft of the differential gear and the output shaft of the transmission, a second attachment detachably mounted to an other of the input shaft of the differential gear and the output shaft of the transmission in combination with the remaining limitations of the claims.

Claims 12 and 13: The prior art of record does not disclose or suggest a method of aligning the differential gear of a race car with the transmission thereof comprising the steps of: mounting a first laser to the differential gear of the race car, causing the first laser to emit a first light beam coaxial to an input shaft of the differential gear, the first light beam emitted in a direction toward the transmission of the race car in combination with the remaining limitations of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following application and patents disclose alignment devices Segerstrom et al. (U. S. PG PUB 2003/0051354), Bremer (U. S. Patent No. 6,438,855), Creighton, III (U. S. Patent No. 6,308,428), Marshall (U. S. Patent No. 5,054,207), Morrison et al. (U. S. Patent No. 4,303,338), Belfiore (U. S. Patent No. 4,249,294), and Ross (U. S. Patent No. 2,562,213).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC  
June 14, 2004



Diego Gutierrez  
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